

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

HOWARD LANGFORD,	)	8:09CV446
	)	
Plaintiff,	)	
	)	<b>MEMORANDUM</b>
v.	)	<b>AND ORDER</b>
	)	
ALEGENT HEALTH,	)	
	)	
Defendant.	)	

This matter is before the court on its own motion. On February 8, 2010, the court carefully examined the record in this case and the record in Case No. 8:09CV169. (Filing No. [6](#).) After this examination, the court concluded that the two cases involved the same parties and common questions of law and fact. (*Id.* at CM/ECF p. 3.) Consequently, the court elected to consolidate the cases. (*Id.*)

To facilitate the consolidation, the court directed the plaintiff to file an amended complaint in Case No. 8:09CV169 that contained all of his claims, including those presented in this case. (*Id.* at CM/ECF p. 4.) In doing so, the court specifically stated: “In the event that the plaintiff files an amended complaint in accordance with this memorandum and order, Case No. 8:09CV446 will be dismissed.” (*Id.* at CM/ECF p. 3.)

On March 1, 2010, the plaintiff filed an amended complaint in Case No. 8:09CV169. (Case No 8:09CV169, Filing No. [36](#).) In accordance with the court’s February 8, 2010, Memorandum and Order, this case is therefore dismissed without prejudice.

IT IS THEREFORE ORDERED that:

1. Plaintiff’s Complaint (filing no. [1](#)) is dismissed without prejudice to reassertion in Case No. 8:09CV169.

2. A separate judgment will be entered in accordance with this Memorandum and Order.

Dated March 8, 2010.

BY THE COURT

s/ Warren K. Urbom  
United States Senior District Judge